

REMARKS

The Final Office Action mailed February 8, 2007 and the Advisory Action mailed July 25, 2007 have been reviewed and the comments therein were carefully considered. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-24 are pending in this application.

The Final Office Action states that claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Pub. No. 20030207696 (“Willenegger”), and claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,381,232 (“Strawczynski”). The Final Office Action also states that claims 1, 7, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,018,662 (“Periyalwar”) in view of U.S. Patent No. 6,647,262 (“Demetrescu”). The Final Office Action also states that claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Periyalwar in view of Demetrescu in further view of U.S. Patent No. (“Scheller”). The Final Office Action also states that claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Periyalwar in view of Demetrescu in further view of U.S. Patent No. 5,864,546 (“Campanella”). The Final Office Action states that claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Periyalwar in view of Demetrescu in further view of U.S. Patent No. 6,691,273 (“Wager”). The Final Office Action states that claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Periyalwar in view of Demetrescu in further view of U.S. Patent No. 6,594,798 (“Chou”). The Final Office Action states that claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willenegger in view of U.S. Patent No. 6,145,109 (“Schuster”). The Final Office Action states that claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willenegger in view of Strawczynski in further view of U.S. Patent No. 6,122,293 (“Frodigh”). Claims 1, 18 and 24 are independent claims. Claims 2-17 and 19-23 are dependent claims. Applicant respectfully traverses this rejection.

Amendment to the Claims

The claims have been amended to clarify the features of the claims. No new matter has been added.

Independent Claims 1, 18 and 24 With Respect to the “If-statement”

As previously presented, Applicant respectfully asserts that the rejection of each independent claim is improper, as the Office Action does not consider every feature of the claims. However, to expedite prosecution, Applicant has made amendments to eliminate the “if-statements” in the claims

Independent Claim 1 and Dependent Claims 2-16

The Office action rejects independent claim 1 under 35 U.S.C. 103 as being unpatentable over Periyalwar in view of Demetrescu. Periyalwar, at most, discloses soft handoff in a CDMA system using multiple channels. Nothing in either Periyalwar or Demetrescu discloses, teaches or suggests "correcting the error in accordance with a first forward error correcting (FEC) code by replacing a complete packet" in response to detecting an error resulting from handover. In fact, nothing in either reference discloses errors occurring within a burst of data, forward error correcting codes, or correcting errors generally. Applicant submits that claims 2-17 are allowable for at least these reasons.

Independent Claim 18 and Dependent Claim 19

Additionally, with respect to independent claim 18, the Office Action states that Willenegger discloses "receiving a first burst of data packets." The Advisory Action further states that the communication disclosed in Willenegger “between the mobile station and base station [0024] can be of high data rate of transmission [0138].” However, nothing in Willenegger discloses achieving this high data rate of transmission through base stations broadcasting bursts of data packets. Applicant submits that at least the feature wherein the processor is configured to “receive a first burst of data packets” is not disclosed by the references identified in the Office Action. Applicant also submits that dependent claim 19 is allowable for at least the above reasons.

Independent Claim 20 and Dependent Claims 21-23

The Office Action has maintained the rejection of independent claim 20 under 35 U.S.C. 103 as being unpatentable over Willenegger in view of Strawczynski, in further view of Frodigh. Previously, Applicant asserted that the Willenegger and Strawczynski at most disclose using predetermined FEC codes and do not disclose the feature relating to determining a variable FEC code. The Office Action merely states that "[d]ue to the broadness of the claim, a variable forward error correcting code ... is disclosed by Strawczynski," referencing column 4, lines 28-31. The Advisory Action reiterates this statement. However, Strawczynski does not disclose a processor configured to "determine a variable forward error correcting (FEC) code," which is a feature of claim 20. The "broadness of the claim" alleged by the Office Action is limited by the language in the claim, which in this case would include determining a variable FEC code. Applicant respectfully submits that the Office Action still has not pointed to any reference disclosing at least this feature and that the rejection ignores an aspect of the feature that the FEC code is dynamically determined and variable.

Additionally, Applicant submits that the Office Action still has not presented a prima facie case of motivation to combine Willenegger with Strawczynski and Frodigh. The Office Action does not point to any part of any of the references for motivation to combine the references and simply states that "it would have been obvious to ... incorporate FEC coding within handover procedures to provide error-free communication ... apply the FEC code to all packets to check for errors in all packets within the communication process," and "incorporate Frodigh's disclosure to provide a more desired degree of robustness to accommodate the increase number of users by decreasing interference." Additionally, the Advisory action merely reiterates the unsupported statement from the Final Office Action and fails to point to anything in any of the cited references that would provide motivation to combine the references. Moreover, even if the Office had shown proper motivation to combine the reference, the resultant invention from the combination of Willenegger, Strawczynski and Frodigh would not result in the invention claimed in independent claim 20 or dependent claims 21-23. Strawczynski is directed to "methods and apparatus that optimize uplink backhaul bandwidth and processor usage during handoffs." (column 2, lines 26-27; emphasis added). In contrast, claims 20-23 disclose a service source sending information via multiple base stations to a wireless terminal.

For at least these reasons, Applicant respectfully submits that independent claim 20 and

dependent claims 21-23, which depend from claim 20, are allowable.

Independent Claim 24

Applicant has amended independent claim 24 to remove the “if-statement.” Applicant submits that nothing in Strawczynski discloses at least the features of base stations broadcasting bursts of data packets or “calculating the missing data packet from the second burst of data packets in accordance with” an FEC code. For at least these reasons, Applicant submits that independent claim 24 is allowable.

Respectfully submitted,

Date: October 25, 2007

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